

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES

FACT SHEET

GENERAL PERMIT NCG080000
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT TO DISCHARGE STORMWATER

Permit No. NCG080000

Date: March 30, 2021

1. TYPES OF DISCHARGES COVERED

a. Industrial Activities Covered by this General Permit

Coverage under this general permit applies to all owners or operators of stormwater point source discharges associated with activities classified as establishments primarily engaged in the manufacture of **Vehicle Maintenance Areas** (including vehicle rehabilitation, mechanical repairs, painting, fueling, lubrication, and equipment cleaning areas) associated with activities classified as **Rail Transportation** [Standard Industrial Classification (SIC) 40], **Local and Suburban Transit and Interurban Highway Passenger Transportation** (SIC 41), **Motor Freight Transportation and Warehousing** (SIC 42), **Postal Service** (SIC 43), and **Petroleum Bulk Stations and Terminals** (SIC 5171) with total petroleum storage capacity of less than 1 million gallons.

Coverage also applies to point source discharges **from like industrial activities** deemed by the Division of Energy, Mineral, and Land Resources (DEMLR) to be similar to these operations in the process, or the discharges, or the exposure of raw materials, intermediate products, by-products, products, or waste products.

b. Types of Operations Covered

This major group includes establishments engaged in vehicle maintenance, transportation, motor freight warehousing, postal service, and petroleum bulk stations and terminals. **The following types of operations are not covered:** Maintenance areas classified as Water Transportation (SIC 44), maintenance areas classified as Transportation by Air (SIC 45), wash water from steam cleaning operations or other equipment cleaning operations, wastewater discharges from oil water separators, and public Warehousing and Storage (SIC 4221-4225).

c. Characteristics of Discharged Stormwater

The draft renewal permit maintains the requirement for analytical and qualitative monitoring of all stormwater discharges associated with industrial activity from vehicle and equipment maintenance areas that use more than 55 gallons of new motor oil and/or hydraulic oil per month when averaged over the calendar year. Permittees are required to perform analytical monitoring for pH, total suspended solids (TSS), oil and grease (per EPA Method 1664 SGT-HEM), oil usage, and total rainfall.

The draft renewal permit also maintains the same parameters be regularly monitored in stormwater discharges from **oil water separators and/or petroleum bulk stations and terminals secondary containment areas**. However, the parameters monitored in stormwater discharge from these devices have associate **limitations** rather than benchmarks. If a facility

exceeds a limitation, it is considered a violation of the terms of the permit. Note that wastewater discharges from these devices are not permitted under this General Permit.

d. Geographic Area(s) Covered by this General Permit

Discharges covered by this general permit are located at any place within the political boundary of the State of North Carolina. Discharges located on the Cherokee Indian Tribal Reservation are subject to permitting by the U.S. Environmental Protection Agency and are not covered by this general permit.

e. Receiving Waters

Receiving waters include all surface waters of North Carolina or municipal separate storm sewer systems (MS4s) conveying stormwater to surface waters.

2. PROPOSED DISCHARGE CONTROLS AND LIMITATIONS

a. Stormwater Discharge Analytical Monitoring

As in previous versions of this permit, permittees must perform analytical monitoring on stormwater discharges, respond to exceedances of numerical benchmark values through the tiered response, keep records, and report results to DEMLR. However, the draft permit requires that analytical monitoring be performed **quarterly**, rather than on a semi-annual basis.

b. Qualitative Monitoring of Stormwater Discharges

As in previous versions of this General Permit, the permittee must perform qualitative monitoring at all stormwater outfalls. All permittees are subject to this permit requirement.

c. Numerical Benchmark and Tiered Responses

As in previous versions of this General Permit, the permittee must respond to benchmark exceedances through the tiered response described in the draft permit. Exceedance of a numerical benchmark is not considered a violation of the permit conditions, although failure to respond as per the tiered response structure is considered a violation. In that context, the benchmark value is not a numerical “permit limit.” Four benchmark exceedances require the permittee to notify the DEMLR Regional Office and may prompt additional requirements under the provisions of Tier Three.

The discharge limitations for stormwater discharges from oil water separators and/or petroleum bulk stations and terminals secondary containment areas are different from the benchmarks described above. Exceedances of discharge limitations are considered a violation of the permit.

Some parts of the **Stormwater Pollution Prevention Plan** (SWPPP) have been expanded or modified. Please refer to the proposed draft General Permit NCG08 for those requirements.

3. MONITORING AND REPORTING REQUIREMENTS

This permit specifies monitoring and reporting requirements for both quantitative and qualitative assessment of the stormwater discharges and operational inspections of the entire facility. Pollutant parameters and sampling frequency are based on the industrial activity performed at subject facilities, and on the potential for contamination of the stormwater runoff from those facilities. Qualitative parameters are consistent with other general permits in the NPDES stormwater program.

The draft renewal permit proposes specific monitoring requirements for the following parameters: **pH, TSS, non-polar oil and grease** [by EPA Method 1664 (SGT-HEM)], **oil usage**, and **total rainfall**. The rationale for retaining these parameters in the renewal permit is their utility as stormwater pollution indicators for the industrial activities covered under this General Permit.

The draft renewal permit retains the term “**measurable storm event**.” A measurable storm event is an event that results in an actual discharge. To qualify as a measurable storm event, the previous storm event must have been at least 72 hours prior.

The proposed draft permit requires the permittee to separate semi-annual sampling events by a minimum of 30 days, rather than the 60 days required by the previous permit. This is due to the new requirement of **quarterly** monitoring, rather than semi-annual monitoring.

As before, the renewal permit specifies qualitative (visual) monitoring of each stormwater outfall for the purpose of evaluating the effectiveness of the SWPPP and assessing new sources of stormwater pollution. In cases where vehicle and equipment maintenance activities do not trigger analytical monitoring, facilities will only be required to perform quarterly qualitative monitoring. Qualitative monitoring parameters include color, odor, clarity, floating and suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. Qualitative monitoring should be performed during analytical sampling events, if applicable.

The draft permit maintains specific direction to the permittee about how to respond to qualitative monitoring. If qualitative monitoring indicates that existing stormwater Best Management Practices (BMPs) are ineffective, or that significant stormwater contamination is present, the permittee must investigate potential causes, evaluate the feasibility of corrective actions, and implement those corrective actions within 60 days. A written record of the permittee’s investigation, evaluation, and response actions must be kept in the SWPPP.

4. COMPLIANCE SCHEDULE

The compliance schedule in Part J still advises that the permittee comply with Limitations and Controls specified for stormwater discharges in accordance with the following schedule:

The permittee shall comply with limitations and controls specified for stormwater discharges in accordance with the following schedule:

- (a) Existing Facilities already operating but applying for permit coverage for the first time: The Stormwater Pollution Prevention Plan (SWPPP) shall be developed and implemented within 6 months of the effective date of the Certificate of Coverage (COC) and updated thereafter on an annual basis. Secondary containment, as specified in Part B-10 of this General Permit, shall be accomplished within 12 months of the effective date of the issuance of the COC.

- (b) New Facilities applying for coverage for the first time: The SWPPP shall be developed and implemented prior to the beginning of discharges from the operation of the industrial activity and be updated thereafter on an annual basis. Secondary containment, as specified in Part B-10 of this General Permit shall be accomplished prior to the beginning of discharges from the operation of the industrial activity.
- (c) Existing facilities previously permitted and applying for renewal under this General Permit: All requirements, conditions, limitations, and controls contained in this permit (except new SWPPP elements in this permit renewal) shall become effective immediately upon issuance of the COC. New elements of the SWPPP for this permit renewal shall be developed and implemented within 6 months of the effective date of this General Permit and updated thereafter on an annual basis. Secondary containment, as specified in Part B-10 of this General Permit shall be accomplished prior to the beginning of discharges from the operation of the industrial activity.

5. SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE

This draft general permit does not propose any special conditions that will have a significant impact on the discharge. However, the proposed draft does add Special Conditions in Part G-9 that address electronic reporting requirements mandated by the federal NPDES Electronic Reporting Rule. When the agency's electronic reporting system can accept NPDES stormwater permit monitoring data, the permittee must report discharge monitoring data electronically using NC Division of Water Resources' Electronic Discharge Monitoring Report (eDMR) internet application. NC DEMLR will notify permittees when eDMR is ready to accept data.

6. BASIS FOR CONTROLS AND LIMITATIONS

Stormwater Discharges

The conditions of this general permit have been designed using best professional judgment to achieve water quality protection through compliance with the technology-based standards of the Clean Water Act (Best Available Technology [BAT] and Best Conventional Pollutant Control Technology [BCT]). Where the Director determines that a water quality violation has occurred and water quality-based controls or effluent limitations are required to protect the receiving waters, coverage under the general permit shall be terminated and an individual permit will be required. Based on a consideration of the appropriate factors for BAT and BCT requirements, and a consideration of the factors discussed below in this fact sheet for controlling pollutants in stormwater discharges associated with the activities as described in Item 1 (Types of Discharge Covered), this permit retains a set of requirements for developing and SWPPPs, and specific requirements for monitoring and reporting on stormwater discharges.

The permit conditions reflect the Environmental Protection Agency's (EPA) and North Carolina's pollution prevention approach to stormwater permitting. The quality of the stormwater discharge associated with an industrial activity will depend on the availability of pollutant sources. This renewal permit still reflects the Division's position that implementation of BMPs and traditional stormwater management practices which control the source of pollutants meets the definition of BAT and BCT. The permit conditions are not numeric effluent limitations, but rather are designed to be flexible requirements for developing and implementing site specific plans to minimize and control pollutants in the stormwater discharges associated with the industrial activity.

Title 40 Code of Federal Regulations (CFR) Part 122.44(k)(2) authorizes the use of BMPs in lieu of numeric effluent limitations in NPDES permits when the agency finds numeric effluent limitations to be infeasible. The agency may also impose BMP requirements which are "reasonably necessary" to carry out the purposes of the Act under the authority of 40 CFR 122.44(k)(3). The conditions of

the renewal permit are retained under the authority of both regulatory provisions. The pollution prevention requirements (BMP requirements) in this permit operate as limitations on effluent discharges that reflect the application of BAT/BCT. The basis is that the BMPs identified require the use of source control technologies which, in the context of these general permits, are the best available of the technologies economically achievable (or the equivalent BCT finding).

All facilities covered by this general permit must prepare, retain, implement, and (at a minimum of annually) update a SWPPP. The term "pollution prevention" distinguishes this source reduction approach from traditional pollution control measures that typically rely on end-of-pipe treatment to remove pollutants in the discharges. The plan requirements are based primarily on traditional stormwater management, pollution prevention and BMP concepts, providing a flexible basis for developing site-specific measures to minimize and control the amounts of pollutants that would otherwise contaminate the stormwater runoff.

The pollution prevention approach adopted in the SWPPP in this renewal permit still focuses on two major objectives: 1) to identify sources of pollution potentially affecting the quality of stormwater discharges associated with industrial activity from the facility; and 2) to describe and ensure that practices are implemented to minimize and control pollutants in stormwater discharges associated with industrial activity from the facility and to ensure compliance with the terms and conditions of the permit.

The Division believes that it is not appropriate at this time to require a single set of effluent limitations or a single design or operational standard for all facilities which discharge stormwater associated with industrial activity. This permit instead establishes a framework for the development and implementation of a site-specific SWPPP. This framework provides the necessary flexibility to address the variable risk for pollutants in stormwater discharges associated with the industrial activities that are addressed by this permit, while ensuring procedures to prevent stormwater pollution at a given facility are appropriate given the processes employed, engineering aspects, functions, costs of controls, location, and age of facility (as discussed in 40 CFR 125.3). This approach allows flexibility to establish controls which can appropriately address different sources of pollutants at different facilities.

There has been no significant change to this rationale since the previous General Permit NCG08.

Stormwater Benchmarks

The **Non-polar Oil and Grease [by EPA Method 1664 (SGT-HEM)] benchmark** of 15.0 mg/L is consistent with other States' benchmarks and/or limits for total petroleum hydrocarbons (TPH) and reflects a value normally only associated with significant oil contamination. Specifying the EPA Method 1664 with the silica gel treatment step (SGT-HEM) in the permit ensures a cost-effective way to estimate TPH (as opposed to gas chromatographic analysis).

The standard **TSS benchmark** of 100 mg/L is based on the median concentration derived from the National Urban Runoff Program (NURP) study in 1983 and serves as a benchmark in most other industrial stormwater permits with TSS monitoring. The lower TSS benchmark for ORW, HQW, trout, and primary nursery area (PNA) waters of 50 mg/L reflects half that standard value and was set to flag potential problems in discharges to waters with much lower water quality standards for TSS concentrations.

The **pH benchmark** of 6-9 Standard Units (SU) is based on water quality standards.

7. REQUESTED VARIANCES OR ALTERNATIVES TO REQUIRED STANDARDS

There are no requested variances or alternatives to required standards. Facilities requesting variances to required standards will not be covered under this General Permit but will instead be required to seek coverage under an individual permit.

8. THE ADMINISTRATIVE RECORD

The administrative record, including application, draft permits, fact sheet, public notice, comments received, and additional information is available by writing to:

Stormwater Program
Division of Energy, Mineral, and Land Resources (DEMLR)
1612 Mail Service Center
Raleigh, North Carolina 27699-1612

Due to the COVID-19 pandemic, visitors are not currently allowed at DEMLR offices. However, electronic copies of the documents listed above are available on our Laserfiche online repository, or by emailing Alaina.Morman@ncdenr.gov.

9. STATE CONTACT

Additional information about the draft permit may be obtained between the hours of 8:00 AM and 5:00 PM Monday through Friday by contacting: **Alaina Morman** at Alaina.Morman@ncdenr.gov.

10. SCHEDULE OF PERMIT ISSUANCE

Draft Permit Public Notice – Statewide Notice to publish: [May 17, 2021](#)
Draft available on-line by: [May 17, 2021](#)
Comment Period Ends: [June 16, 2021](#)

Permit Scheduled to Issue – No later than: [June 30, 2021](#)
Effective: [July 1, 2021](#)

11. PROCEDURE FOR THE FORMULATION OF FINAL DETERMINATIONS

a. *Comment Period*

The Division of Energy, Mineral, and Land Resources proposes to issue an NPDES General Permit for the above described stormwater discharges subject to the outlined effluent limitations, management practices, and special conditions. These determinations are open to comment from the public.

Interested persons are invited to submit written comments on the permit applications or on the Division of Energy, Mineral, and Land Resources' proposed determinations to the following address:

Stormwater Program

Division of Energy, Mineral, and Land Resources
1612 Mail Service Center
Raleigh, North Carolina 27699-1612
Attn: Alaina Morman
OR: Alaina.Morman@ncdenr.gov

All comments received within thirty (30) days following the date of public notice are considered in the formulation of final determinations.

b. Public Meeting

The Director of the Division of Energy, Mineral, and Land Resources may hold a public meeting if there is a significant degree of public interest in a proposed permit or group of permits. Public notice of such a meeting will be circulated in newspapers in the geographical area of the discharge and to those on the Division of Energy, Mineral, and Land Resources' mailing list at least thirty (30) days prior to the meeting.

c. Appeal Hearing

An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, shall have the right to a hearing before the Commission upon making written demand to the Office of Administrative Hearing (OAH) within 30 days following issuance or denial of the permit.

d. Issuance of a Permit When no Hearing is Held

If no public meeting or appeal hearing is held, after review of the comments received, and if the Division of Energy, Mineral, and Land Resources determinations are substantially unchanged, the permit will be issued and become effective on the first day of the month following the issuance date. This will be the final action of the Division of Energy, Mineral, and Land Resources.

If a public meeting or appeal hearing is not held, but there have been substantial changes, public notice of the Division of Energy, Mineral, and Land Resources revised determinations will be made. Following a 30-day comment period, the permit will be issued and will become effective on the first day of the month following the issuance date. This will be the final action of the Division of Energy, Mineral, and Land Resources unless a public meeting or appeal hearing is granted.